

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 10, 2006**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 219 Wadsworth Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 219 Wadsworth Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owners.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 219 Wadsworth Street, parcel 011-11-006 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 219 Wadsworth Street; (iv) that the owner of 219 Wadsworth Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 219 Wadsworth Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 219 Wadsworth Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 219 Wadsworth Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 219 Wadsworth Street.

Adopted:

Certified:

Clerk of Council

122P



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

September 20, 2006

Mrs. Patricia W. Kost
Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Parcel 011-11-006/219 Wadsworth Street

Dear Mrs. Kost:

The Authority staff has been working with the City's Inspections Division to address the blighted property located at 219 Wadsworth Street, parcel 011-11-006. The property was condemned and determined unsafe for human habitation by the inspections department on January 5, 2005. The inspections department referred the property to the Authority in April 2006. According to inspection staff, the elderly owners attempted to sell the property, but weren't successful and are unable to repair the property. In April 2006 our staff inspected the property noting code violations and deficiencies resulting in its blighted condition. The owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days. The Authority has not received a response, nor have any repairs been made to the property.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire this property pursuant to the above referenced code. Enclosed is a copy of the resolution adopted by the Commissioners of the Authority, proposed resolution for City Council's consideration, notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

enclosures

cc: Bob Drane, Building Official
Wayne Craig, Senior Building Inspector

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 219 Wadsworth Street, Parcel 011-11-006, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

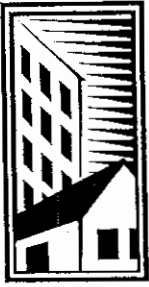
WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 219 Wadsworth Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 219 Wadsworth Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

May 9, 2006

Carl S. and Joann O. Ellis
Kenneth R. and Kelly E. Winfield
81 Belle Terre Drive
Lynchburg, Virginia 24501

Re: Parcel Number: 011-11-006
219 Wadsworth Street
Lynchburg, Virginia

Ladies and Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on April 27, 2006, and found the following conditions:

- Condemned - unfit for human occupancy on January 5, 2005
- Gutters and downspouts deteriorated
- Sections of siding coming off
- Roof of rear addition deteriorated
- Second story of rear section deteriorated (section of gutter has fallen off and another section is hanging from structure)
- First story rear addition is deteriorated (roof is sagging, fascia missing, foundation deteriorated)
- Windows and door boarded
- Weeds and trees overgrown on and around property
- Trash and furniture on front porch

Carl S. and Joann O. Ellis
Kenneth R. and Kelly E. Winfield
Page 2
October 10, 2005

- Front porch ceiling deteriorated
- Front porch columns paint is peeling

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;


or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

219 Wadsworth Street

Date of Pictures: September 20, 2006



Property Address: 219 Wadsworth Street

Owner's Name: Carl S. & Joann O. Ellis and Kenneth R. & Kelly E. Winfield

Owner's Address: 81 Belle Terre Drive, Lynchburg, VA 24501

Parcel No.: 011-11-006

Assessed Value: Land - \$ 4,000 Improvement - \$ 13,700 Total - \$ 17,700



Date of Pictures: April 27, 2006

Deficiencies:

- **Condemned 1/5/05 by T. Garrett**
- **Gutters and downspouts deteriorated**
- **Sections of siding coming off**
- **Roof of rear addition deteriorated**
- **Second story of rear section deteriorated (section of gutter has fallen off and another section is hanging from structure)**
- **First story rear addition is deteriorated (roof is sagging, fascia missing, foundation deteriorated)**
- **Windows and door boarded**
- **Front porch ceiling deteriorated**
- **Front porch columns paint is peeling**
- **Weeds and trees overgrown on and around property**
- **Trash and furniture on front porch**